GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Attachment of Properties – Authorisation to Inspector of Police, Crime Investigation Department, Visakhapatnam to file an application before the Principal District and Sessions Judge Court, Visakhapatnam extending the duration of attachment of properties under section 3 r/w section 10 (a) of the Criminal Law Amendment Ordinance, 1944 (Ordinance No. XXXVIII of 1944) – Orders – Issued

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HOME (SC.B) DEPARTMENT

G.O.RT.No. 908 Dated: 25-10-2019,
Read the following :

1. G.O.Rt.No.1314, Home (SC.B) Dept. dated 06.06.1997.
2. G.O.Rt.No.1854, Home (SC.B) Dept. dated 26.10.2009.
3. G.O.Rt.No.1427, Home (SC.B) Dept. dated 30.08.2011.
4. G.O.Rt.No.1471, Home (SC.B) Dept. dated 17.08.2012.
5. G.O.Rt.No.1843, Home (SC.B) Dept. dated 12.09.2013.
6. G.O.Rt.No.1204, Home (SC.B) Dept. dated 29.10.2014.
7. G.O.Rt.No.1185, Home(SC.B) Dept. dated 21.10.2015.
8. G.O.Rt.No.845, Home (SC.B) Dept. dated 29.11.2016.
9. G.O. Rt. No. 863, Home (SC-B) Department, dated 07.11.2017.
10. G.O. Rt. No. 1003, Home (SC-B) Department, dated 2.11.2018.
11. Orders in IA No. 1866/2018 dated 19.11.2018 in OP No. 1222/97 of Principal District & Sessions Judge Court, Visakhapatnam.
12. From Addl. DG, CID, AP, Mangalagiri Lr.No.1504/C1/C51/ CID/1997, Dated 4.10.2019.

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O R D E R :

Whereas, the Government have issued orders in the G.O 1st read above, authorizing the Deputy Superintendent of Police, Crime Investigation Department, to file petition before the District Judge, Visakhapatnam, for attachment of properties (Fixed Deposits worth Rupees One Crore, mentioned in the Annexure) annexed to the said G.O., under the provisions of section 3 of the Criminal Law Amendment Ordinance, 1944 (Ordinance No. XXXVIII of 1944) ;

2. And whereas, the Additional Director General of Police, Crime Investigation Department, Andhra Pradesh, Mangalagiri, in the letter 12th read above, stated that Crime Investigation Department had taken up the investigation in Crime Number 10/97, under sections 120-B, 468, 471, 420 and 409, of the Indian Penal Code, 1860 of CID, PS, Hyderabad, wherein Government i.e., Social Welfare Department, released funds of Rs.10,78,585/- and Rs.90,90,841/- in the names of the claimants Malla Apparao and Malla Ramunaidu in Original Petition No. 21/1987 on the file of Subordinate Judge Court, Anakapalli, towards compensation for the lands acquired by the Government and the accused Peela Pothinaidu and his brother Peela Gangadhar criminally conspired with the court staff and obtained cheques from the said court by illegal means and opened account on the names of above two persons in Vysya Bank Limited, Aripaka Branch and subsequently got the amounts transferred into the account of Peela Gangadhar. Out of the said amounts, an amount of Rs. 1 (One) Crore mentioned in the G.O.Rt.No.1314, Home (SC-B) Department, dated: 06-06-1997 was identified in ING Vysya Bank Limited, Anakapalli Branch in the shape of FDRs (20 FDRs, each 5,00,000/) in the names of the family members of two Accused namely, Peela Pothinaidu and Peela Gangadhar and the said amount is under attachment since 17.2.1998 as per the provisions of the Criminal Law Amendment Ordinance 1944 and the said attachment is being extended from time to time and last extended vide reference 10th read above ;

3. And whereas, the District Judge, Visakhapatnam, has passed interim orders on 02.07.1997, in respect of the scheduled properties and the said interim orders of attachment was made absolute on 17.02.1998, after due enquiry into the matter

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and the said orders of attachment are being extended from time to time as per the provisions under section 10(a) of the Criminal Law Amendment Ordinance, 1944 by the Government. The said attachment is in force till 31.10.2019 as per the orders of Government vide G.O. Rt. No. 1003, Home (SC.B) Department, dated 2-11-2018.

4. And whereas, the Crime Investigation Department after completion of investigation, submitted the report in the above said case to the Registrar (Vigilance), Hon'ble High Court of Andhra Pradesh, Hyderabad, as no court shall take cognizance of the offences since the offences attract the provisions under section 195 (i) (b) (ii) (iii) of the code of Criminal Procedure, 1973. The Hon'ble High Court on careful consideration of the report, directed the District Judge, Visakhapatnam to conduct enquiry under section 340 of the code of Criminal Procedure, 1973 into the irregularities that were committed in the Land Acquisition Original Petitions on the file of Sub-Judge Court of Anakapalli and Chodavaram and to file complaint / complaints before the competent Court of Law ;

5. And whereas, the District Judge Visakhapatnam had conducted enquiry into the said matters including Original Petition No. 21/87 on the file of Sub-Court and Land Acquisition Tribunal, Anakapalli and filed complaint vide CC.No.2/1999 on the file of Chief Judicial Magistrate-cum-III-Addl. District Judge, Visakhapatnam, which related to the case in Cr.No.10/1997;

6. And whereas, challenging the competency of the District Judge in filing the said complaint in CC.No.2/99, the accused V. Sharma Rao and Peela Pothinaidu and others preferred appeals before the Hon'ble High Court of Andhra Pradesh vide Crl. A.Nos.587, 907,971 of 1999. The Division Bench of the Hon' ble High Court of Andhra Pradesh was pleased to allow the appeals vide common order dated 27.9.2002. The State of A.P., preferred Special Leave Petitions in the Supreme Court against the common order of Hon'ble High Court of Andhra Pradesh dated 27.09.2002, vide Special Leave Petitions, Numbers: 2181-2211/2004. The Special Leave Petitions were disposed of on 10.11.2006 upholding the orders of the Hon'ble High Court of Andhra Pradesh dated:27.09.2002 and suggested the Hon'ble High Court of Andhra Pradesh to consider the desirability of implementing the decision of the Division Bench as expeditiously as possible ;

7. And whereas, on 05-10-2007, the Hon'ble High Court of Andhra Pradesh was pleased to pass common orders, directing the Principal Junior Civil Judge at Anakapalli to file complaints before Addl. Judicial First Class Magistrate, Anakapalli. As per the said orders, the III Additional District and Sessions Judge Visakhapatnam, where the Calendar Cases including CC No.2/99 were pending, closed the Calendar Cases and transferred the entire record to the Principal Junior Civil Judge, Anakapalli, as per the orders of the Hon'ble High Court of Andhra Pradesh, dated 05.10.2007. The Prl. Junior Civil Judge, Anakapalli has filed (8) complaints on the file of Addl. Judicial Magistrate of 1st Class, Anakapalli relating to 8 Land Acquisition O.Ps i.e., relating to batch of Land Acquisition O.Ps 231 to 241 & 243/88 and also filed 7 complaints in relation to 7 O.Ps in the batch of Land Acquisition O.Ps 344 to 354/88 on the file of Land Acquisition Tribunal cum Subordinate Judge, Chodavaram. The complaint in relation to the O.P. 21/87 and in remaining Land Acquisition Original Petitions are yet to be filed by the Hon'ble Prl. Junior Civil Judge, Anakapalli as per the directions of the Hon'ble High Court of Andhra Pradesh vide common orders dated 05.10.2007 ;

8. The Hon'ble High Court of Andhra Pradesh was pleased to pass orders on 05-10-2007, directing the Principal Junior Civil Judge, Anakapalli to file complaints before Addl. Judicial First Class Magistrate, Anakapalli. In the meanwhile, the accused Peela Pothinaidu and others obtained Stay orders on the Court Proceedings on the 15 CCs (Cr. No. 327/1996 of Anakapalli (T) P.S. Yeleru Scam case) from the High Court of AP vide Crl.P.Nos.5981 to 5988/2010, 5976 to 5978/2010, 8636 to 8643/2010 and 8652/2010 on the grounds that a Principal Junior Civil Judge is not competent to conduct enquiry and to file complaints for the offences occurred in the Court of Senior Civil Judge, due to which, the Prl. Junior Civil Judge, Anakapalli

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who was supposed to conduct enquiry u/s. 340 Cr.P.C. and file complaint in O.P.No.21/87 connected to this case (Cr.No.10/1997) remained without any progress. Meanwhile, the CID filed five petitions in October 2012 in the Hon'ble High Court of A.P., Hyderabad vide Crl. P. Nos. 3422, 3423,3424, 3425 and 3426 of 2012 orders / clarifications on the following aspects. (1) To direct the Senior Civil Judges of Anakapalli and Chodavaram to file complaints before the respective courts instead of Principal Junior Civil Judge, (2) To direct the District Judge, Visakhapatnam to constitute special cells with sufficient Ministerial staff at Chodavaram and Anakapalli Sub-Courts, (3) To permit the CID to file charge sheets against all the accused persons, (4) To direct the Government to constitute a Special Court at Visakhapatnam to conduct trial of Yeleru scam cases exclusively for giving a logical end, (5) To issue directions to transfer all the cases so filed and numbered to the special court / CID designated court at Visakhapatnam for speedy disposal. The Hon'ble High Court referred the Crl. Petitions filed by the accused in Cr. No. 327 of 1996 and above Crl. Petitions filed by the CID in October, 2012 to a Division Bench for final hearing. So far, the Division Bench has not been constituted to hear these matters.

9. And whereas, the Additional Director General of Police, Crime Investigation Department, Andhra Pradesh, Mangalagiri, has, therefore, requested for issuing orders, authorizing the Investigating Officer, i.e., Inspector of Police, Crime Investigation Department, Regional Office, Visakhapatnam, to file an application before the District and Sessions Judge, Visakhapatnam, seeking extension of attachment in respect of the properties annexed to the main G.O. 1st read above, available in the Kotak Mahindra Bank Limited (ING Vysya Bank Limited), Anakapalli Branch, for a further period of one year from 01.11.2019 to 31.10.2020.

10. Now, therefore, the Government after careful examination of the matter, hereby authorize the Investigating Officer, i.e., Inspector of Police, Crime Investigation Department, Regional Office, Visakhapatnam, under section 3 and section 10(a)(b) of the Criminal Law Amendment Ordinance, 1944 (Central Ordinance No. XXXVIII of 1944), for extending the duration of attachment in respect of the aforesaid properties (fixed deposits) in land acquisition original petition No.21/1987 in Crime Number 10/97, for a further period of one year from 01.11.2019 to 31.10.2020 or till competent court takes cognizance of the alleged scheduled offence.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

K.R.M. KISHORE KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Additional Director General of Police,
Crime Investigation Department,
Andhra Pradesh, Mangalagiri.

Copy to::
The Additional Superintendent of Police,
Crime Investigation Department, Regional Office, Visakhapatnam.
The Law (E) Department.
The File C. No. 125/SC.B/2018 Home (SC.B) Deptt.
sc / sf

// FORWARDED :: BY ORDER //

SECTION OFFICER (SC)